

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATHANIEL MCCOY-WINSTON,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. C20-779-MLP

MINUTE ORDER

The following Minute Order is made at the direction of the Court, the Hon. Michelle L. Peterson, United States Magistrate Judge:

This matter is before the Court on Defendant's motion for summary judgment ("Defendant's Motion"), which became ripe for the Court's consideration on February 11, 2022. (Dkt. # 64.) On February 11, 2022, Defendant filed a reply brief that contained motions to strike requesting that the Court strike photographs and a portion of Plaintiff's declaration that were submitted by Plaintiff in response to Defendant's Motion. (Dkt. # 64 at 1-4.) On February 15, 2022, the Court was advised in an email from the parties that Plaintiff sought to file a surreply in response to Defendant's motions to strike.

Pursuant to Local Civil Rule 7(g), a party may request to strike material attached to a submission by the opposing party. However, LCR 7(g) only provides for a surreply to request to

1 strike material that was contained in or attached to a reply brief. LCR 7(g) requires that a
2 surreply be subject to the following requirements:

- 3 (1) That party must file a notice of intent to file a surreply as soon after
4 receiving the reply brief as practicable;
- 5 (2) The surreply must be filed within five days of the filing of the reply brief,
6 and shall be strictly limited to addressing the request to strike. Extraneous
7 argument or a surreply filed for any other reason will not be considered;
- 8 (3) The surreply shall not exceed three pages

9 LCR 7(g).

10 Here, Defendant submitted its motions to strike in its reply brief (dkt. # 64 at 1-4), and
11 therefore, the Court finds it appropriate to allow Plaintiff a responsive brief to address
12 Defendant's strike requests. Accordingly, Plaintiff is permitted to file a surreply subject to LCR
13 7(g)'s surreply requirements on or before **February 21, 2022**. The Clerk is directed to re-note
14 Defendant's Motion (dkt. # 64) for the Court's consideration on **February 21, 2022**. This will
15 conclude the briefing on Defendant's Motion.

16 Dated this 16th day of February, 2022.

17 Ravi Subramanian
18 Clerk of Court

19 By: /s/Tim Farrell
20 Deputy Clerk